

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman  
Donald R. Rogers  
Karl L. Ecker†  
David A. Pordy\*  
David D. Freishtat  
Martin P. Schaffer  
Christopher C. Roberts  
Edward M. Hanson, Jr.  
David M. Kochanski  
James M. Kefauver†  
Robert B. Canter  
Daniel S. Krakower  
Kevin P. Kennedy  
Nancy P. Regelin  
Samuel M. Spiritos\*  
Martin Levine  
Worthington H. Talcott, Jr.\*  
Fred S. Sommer  
Morton A. Faller

Alan S. Tilles  
James M. Hoffman  
Michael V. Nakamura  
Jay M. Eisenberg\*  
Douglas K. Hirsch  
Ross D. Cooper  
Glenn C. Etelson  
Karl J. Prottil, Jr.\*  
Timothy Dugan\*  
Kim Viti Fiorentino  
Sean P. Sherman\*  
Gregory D. Grant\*  
Jacob S. Frenkel\*  
William C. Davis, III  
Rebecca Oshway  
Alan B. Sternstein  
Michael J. Froehlich  
Sandy David Baron  
Christine M. Sorge

Michael L. Kabik  
Jeffrey W. Rubin  
Simon M. Nadler  
Scott D. Museles  
Karl W. Means  
Michelle R. Curtis\*  
Mimi L. Magyar  
Glenn W.D. Golding\*  
Michael J. Lichtenstein  
Bruce A. Henoch  
Jeremy W. Schulman  
William F. Askinazi  
Matthew M. Moore\*  
Jeannie Eun Cho  
Debra S. Friedman\*  
Eric J. von Vorys  
Gary I. Horowitz  
Heather L. Howard\*  
Stephen A. Metz

Hong Suk "Paul" Chung  
Patrick J. Howley  
Carmen J. Morgan\*  
Kristin E. Draper\*  
Heather L. Spurrier\*  
André L. Brady  
Melissa G. Bernstein  
Patricia Teck  
Jacob A. Ginsberg  
John D. Sadler  
Marc E. Pasekoff  
Erin J. Ashbarry  
Alexis H. Peters\*  
Meredith S. Abrams  
John D. Adams  
Kristen Munger\*  
Michael T. Ebaugh  
David B. Kramer  
Lauren J. Pair

Anne Marie Vassallo\*  
Matthew D. Alegi\*  
Joann J. Wang\*\*  
Christopher W. Poverman  
*Of Counsel*  
Larry N. Gandal  
Jeffrey A. Shane  
Leonard R. Goldstein  
Richard P. Meyer\*  
Larry A. Gordon\*  
David E. Weisman  
Lawrence Eisenberg  
Deborah L. Moran  
Scott D. Field

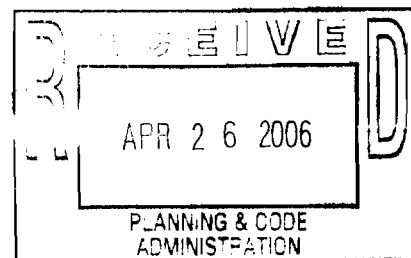
*Special Counsel*  
Philip R. Hochberg\*  
*Maryland and D.C. except as noted:*  
\* Virginia also    ° D.C. only  
• Maryland only    † Retired

Writer's Direct Dial Number:  
(301) 230-6564  
smetz@srqpe.com

April 25, 2006

**VIA FACSIMILE and FIRST CLASS MAIL**  
(301) 258-6336

Ms. Caroline Seiden  
Staff Liaison, Board of Appeals  
City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877



Re: Application for Administrative Review  
Property Address: 446 Girard Street, #203, Gaithersburg, Maryland ("Property")  
Request for Continuance

Dear Ms. Seiden:

As you know, this Firm represents Karen Rollings ("Ms. Rollings"), the owner of the above-referenced Property, in connection with the Application for Administrative Review filed on February 21, 2006 (the "Application"). Initially, the Application was placed upon the calendar of the Board of Appeals for public hearing on April 20, 2006. Pursuant to Ms. Rollings' request by letter dated March 27, 2006, the hearing was continued to May 11, 2006. This letter constitutes Ms. Rollings' request for a further continuance of the hearing on the Application.

As explained in Ms. Rollings' March 27, 2006 letter, there is currently pending in the United States Bankruptcy Court for the District of Maryland, a Motion to Enforce Settlement ("Motion"). This Motion has been under advisement since August of 2005. As more fully explained in the Application, it is still our belief that the outcome of the Motion may assist in resolving the Application.

Accordingly, pursuant to Section 5.8 of the Board of Appeals Rules of Procedure and Chapter 24-188(f) of the City Code, Ms. Rollings requests that the hearing on the Application be continued from May 11, 2006 to the next meeting of the Board of Appeals. Depending upon the status and/or outcome of the Motion, Ms. Rollings may request a further continuance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S Metz'.

Stephen A. Metz

SAM:tll

cc: Karen D. Rollings  
G:\I23\CLIENTS\Rollings-110684.02\Letters\Seiden Lt2.doc



May 2, 2006

Ms. Caroline Seiden  
Staff Liaison, Board of Appeals  
31 South Summit Avenue  
Gaithersburg Maryland 20877

RE: 446 Girard St #203

Dear Ms Seiden:

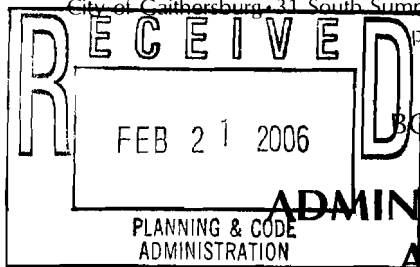
I have reviewed and have no objection to the submitted request from Stephen Metz to continue the Administrative Review hearing scheduled for May 11, 2006.

I hope this information is helpful. If you have any questions, I can be contacted at [kroman@gaitthersburgmd.gov](mailto:kroman@gaitthersburgmd.gov) or at 301-258-6340.

Thank you,

Kevin J. Roman, Director  
Neighborhood Services  
Planning & Code Administration

City of Gaithersburg • 31 South Summit Avenue • Gaithersburg, Maryland 20877 • Telephone: (301) 258-6330 • Fax: (301) 258-6336  
plancode@gaithersburgmd.gov • www.gaithersburgmd.gov



BOARD OF APPEALS

**ADMINISTRATIVE REVIEW  
APPLICATION**

Application No. A-523  
Date Filed 2-21-06  
BOA Hearing 4/20/06  
Decision \_\_\_\_\_  
Date of Decision \_\_\_\_\_  
Opinion Rendered \_\_\_\_\_

In accordance with Chapter 24, Article VII, Section 24-187 thru 190 of the City Code

**SUBJECT PROPERTY** 446 Girard Street, #313, Gaithersburg, MD 20877

**ADDRESS** 446 Girard Street, #313, Gaithersburg, MD **ZONING CLASSIFICATION** R-18

**LOT** \_\_\_\_\_ **BLOCK** \_\_\_\_\_ **SUBDIVISION** 256  
Villa Ridge Condominium

**APPLICANT** Karen Rollings **TELEPHONE** (301) 928-4862

**ADDRESS** 3300 Olney Sandy Spring Road, Olney, Maryland 20832

*If there are co-applicants, provide additional sheet(s) with names, addresses and phone numbers.*

**NATURE OF APPLICATION**

Briefly describe application request **referencing appropriate section of City Code.**

This application seeks review of a Notice issued requiring Applicant to apply for a rental housing license. The property is not a "Rental housing unit" under Chapter 18AA-2 of the City Code.

List case numbers of all applications filed within the past three (3) years pertaining to any portion of subject property.

Applicant has no knowledge of any other applications.

**SUBMISSION REQUIREMENTS**

1. **A written statement** explaining the grievance to the Board of Appeals and outlining the history of both applicant's and City's actions in regards to the subject property.
2. **Supporting documentation**, see list on reverse side.
3. **Fees**, see separate schedule.
4. **Transcript costs** (to be charged after completion).

**I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.**

SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A.

Signature By:

Stephen Metz

Date 2/21/06

Stephen A. Metz, Attorney for Karen Rollings

*If there are co-applicants, attach additional signature page(s) with signatures and printed names and addresses.*

## SUBMISSION CHECKLIST

In accordance with Chapter 24, Article VII, Section 24-188(3) of the City Code

1. ☒ **Written statement explaining grievance** and outlining histories of both petitioner's and City's action in regards to subject parcel. This statement should demonstrate why, in the petitioner's opinion, the Planning Commission and/or Staff decision in question was in error.
2. ☒ **The action, document, and all records** upon which the appeal is filed or based. (Files of a Planning Commission action shall be submitted by Planning Commission Staff following the filing of an Administrative Review.)
3. ☒ **Copy of official zoning vicinity map** with a one-thousand-foot radius (circle) surrounding the subject property and other information to indicate the general conditions of use and existing improvements on adjoining and confronting properties. (Zoning maps available from the Planning and Code Administration.)
4. ☒ **List of names and addresses of adjoining and confronting property owners or occupants** within two hundred (200) feet of the subject property; if such property is a condominium, cooperative or is owned by a homeowners' association the petitioner must provide their correct address and that of their resident agent. (Information can be researched in the Planning and Code Administration.)
5. ☐ **A list of names and addresses of persons whom you wish to be notified of the public hearing**, other than adjacent property owners.
6. ☒ **Required fee.** (Check where applicable. See fee schedule.)
  - ☐ Planning Commission Decision
  - ☐ Staff Decision
7. ☐ **Cost of transcripts.** (Transcript costs are billed in accordance with fee schedule.)

## CRITERIA

In accordance with Chapter 24, Article VII, Section 24-189(a) of the City Code

The Board of Appeals may grant a petition for Administrative Review when findings from the evidence of record that final order, requirement, decision or determination which is the subject of the appeal was clearly erroneous or not in accordance with the law.

**Please note:** Section 24-188(f) of the City Code stipulates that appeals alleging error by the Planning Commission shall be by oral argument or written statement based **solely** on evidence submitted and received in the Planning Commission proceedings.

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

**BOARD OF APPEALS  
AMENDED NOTICE OF ADMINISTRATIVE REVIEW**

In accordance with Section 24-187 through 190 of the City of Gaithersburg Zoning Ordinance, the City of Gaithersburg Board of Appeals will conduct an Administrative Review as noted below.

*Application Type:*     **ADMINISTRATIVE REVIEW**  
*File Number:*        **A-523**  
*Location:*           **446 GIRARD STREET, #203**  
*Petitioner:*          **KAREN ROLLINGS**  
*Day/Date/Time:*      **TO BE ANNOUNCED AT A LATER DATE**  
*Place:*               **COUNCIL CHAMBERS**  
                              **31 SOUTH SUMMIT AVENUE**

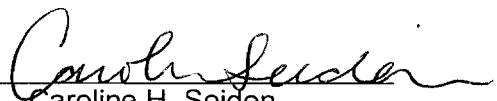
The application requests an Administrative Review of a City action issuing an Official Notice to Correct Violations and requiring the applicant to apply for a rental housing license, per Chapter 18AA-3 of the City Code, for the property at 446 Girard Street, #203, Villa Ridge Condominiums, Gaithersburg, Maryland.

**The application was originally scheduled to be heard on May 11, 2006. At the applicant's request and with no objection from the Neighborhood Services Officer issuing the Notice, the application will be continued to a yet to be determined date. A new notice will be distributed when a new hearing date is set.**

As per Section 2.4(b) of the Board of Appeals Rules of Procedure, persons or associations intending to appear in opposition to a petition whether or not represented by counsel, must file a prehearing statement no later than seven (7) days prior to the date of the hearing. Nothing in this section should be construed to limit the rights of individual members of the public to submit testimony during the hearing or to submit pertinent written materials at any time while the record remains open. However, please note Section 2.4(d) relating to the Board's authority to prohibit the testimony of a party's witness not identified due to the failure to comply with Section 2.4(a) and/or (b).

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

CITY OF GAITHERSBURG

By:   
Caroline H. Seiden  
Planner

(over)

NOTICES SENT THIS 28TH DAY OF APRIL, 2006 TO:

PETITIONER :

Karen Rollings, 3300 Olney Sandy Spring Road, Olney, Maryland 20832

INTERESTED PARTIES AND PROPERTY OWNERS WITHIN 200 FEET OF SUBJECT PROPERTY:

(A complete list of property owners notified is available in the Planning and Code Administration.)

CITY STAFF:

Dave Humpton, City Manager  
Cathy Borten, City Attorney  
Britta Monaco, Public Information Office  
Doris Stokes, City Manager's Office  
Greg Ossont, Director of Planning &  
Code Administration  
Trudy Schwarz, Community Planning Dir.  
Jeff Baldwin, City Web Administrator (via email)

BOARD OF APPEALS MEMBERS:

Harvey Kaye, Chairperson  
Richard Knoebel, Vice Chairperson  
Gary Trojak  
Victor Macdonald  
Carol Rieg  
William Chen, Attorney for the Board of Appeals

PLANNINGCOMMISSION

**A-523 - 446 Girard Street, #203**





April 20, 2006

Ms. Ashby Tanner  
Law Section  
The Gaithersburg Gazette  
P.O. Box 6006  
Gaithersburg, MD 20884

Dear Ashby:

Please publish the following legal advertisement in your April 26, 2006 issue of the *Gaithersburg Gazette*.

Sincerely,



Caroline Seiden  
Planner

chs

ASSIGN CODE: PHA-523/Acc.#133649

#### NOTICE OF PUBLIC HEARING

The Board of Appeals of the City of Gaithersburg will hold a public hearing on A-523, filed by Karen Rollings, on

THURSDAY  
MAY 11, 2005  
AT 7:30 P.M.

or as soon thereafter as it may be heard in the Council Chambers at City Hall, 31 South Summit Avenue, Gaithersburg, Maryland. In accordance with Chapter 24, Article VII, Section 24-187 through 188 of the City Code, the applicant has requested an Administrative Review of a City action issuing an Official Notice to Correct Violations and requiring the applicant to apply for a rental housing license, per Chapter 18AA-3 of the City Code, for the property at 446 Girard Street, #313, Villa Ridge Condominiums, Gaithersburg, Maryland.

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Caroline Seiden  
Planner

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaitersburgmd.gov

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Michael A. Sesma

CITY MANAGER  
David B. Humpton

MODE = MEMORY TRANSMISSION

START=APR-20 13:11

END=APR-20 13:12

FILE NO.=894

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	<11>	GAZ LEG	002/002	00:00:39

-THE CITY OF GAITHERSBURG -

\*\*\*\*\* -PLAN AND CODE - \*\*\*\*\* 3012586336- \*\*\*\*\*



**Gaithersburg**  
A CHARACTER COUNTS! CITY

## FAX TRANSMITTAL FORM

SEND TO:

Ashby Tanner  
Gaithersburg Gazette

FAX NO.:

FROM:

Caroline Seder

FAX NO.:

301-258-6336

TELEPHONE NO.:

301-258-6330

DATE:

4/20/06

TIME:

1:08

NO. OF PAGES ATTACHED:

1

MESSAGE:

**IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION,  
PLEASE CALL 301-258-6330**

City of Gaithersburg 31 South Summit Avenue Gaithersburg, MD 20877-2098  
plancode@gaithersburgmd.gov www.gaithersburgmd.gov

**MAYOR**  
Sidney A. Katz

**CITY COUNCIL MEMBERS**  
Stanley D. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Michael A. Sesma

**CITY MANAGER**  
David B. Humpton